

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

OFFICE OF SPECIAL MASTERS

KHAALIDAH KNOTT,
Legal Representative of the Estate of
ZAIRE KNOTT,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 07-736V
Special Master Christian J. Moran

Filed: January 30, 2009

Conceded case; HBV and IPV
vaccine; anaphylaxis; death.

UNPUBLISHED

DECISION*

Roy J. Konray, Esq., Tobin, Reitman, Greenstein, Caruso, Wiener & Konray, Rahway, N.J. for petitioner;

Michael P. Milmoe, U.S. Department of Justice, Washington, D.C., for respondent.

Petitioner, Khaalidah Knott, as the legal representative of the estate of her minor child, Zaire Knott, filed a petition for compensation pursuant to the National Childhood Vaccine Act. 42 U.S.C. §§ 300aa-10 et seq. (2006). For the reasons explained below, she is awarded compensation in the amount of \$250,000.00.

* Because this unpublished decision contains a reasoned explanation for the special master's action in this case, the special master intends to post it on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002).

All decisions of the special masters will be made available to the public unless they contain trade secrets or commercial or financial information that is privileged and confidential, or medical or similar information whose disclosure would clearly be an unwarranted invasion of privacy. When such a decision or designated substantive order is filed, a party has 14 days to identify and to move to delete such information before the document's disclosure. If the special master, upon review, agrees that the identified material fits within the banned categories listed above, the special master shall delete such material from public access. 42 U.S.C. § 300aa-(12)(d)(4); Vaccine Rule 18(b).

Zaire Knott was born on September 16, 2005. Exhibit 1. Zaire was placed in foster care with the Department of Youth and Family Services (“DYFS”). Exhibit 3 at 40. Zaire received the HBV and IPV vaccinations on October 20, 2005, at approximately 9:00 a.m. Exhibit 4 at 13. Shortly thereafter, while being transported by a DYFS worker, Zaire stopped breathing and an ambulance was summoned. Zaire arrived in the emergency room by ambulance at 12:10 p.m. on October 20, 2005, and was in full cardiac arrest. Attempts at resuscitation were unsuccessful and he was pronounced dead at 12:30 p.m. Exhibit 4.

An autopsy was performed on October 21, 2006, by the Office of the New Jersey State Medical Examiner. The cause of death was ruled to be sudden unexpected death in infancy. Autopsy findings were significant for an elevated blood tryptase, a laboratory finding that is seen after anaphylaxis. Exhibit 6, exhibit 7 at 2.

On October 31, 2008, respondent filed his Rule 4 report conceding entitlement to compensation under the Act based on the circumstances of Zaire’s death.

The undersigned has reviewed the record as a whole. Ms. Knott has established, by a preponderance of the evidence, all statutory prerequisites for an award of compensation under the Act.

Therefore, absent a motion for review, the clerk of court shall enter judgment in favor of Ms. Knott in the amount of \$250,000.00. Pursuant to Vaccine Rule 11(a), the parties may expedite judgment by filing a joint notice renouncing the right to seek review. Then, pursuant to Vaccine Rule 12(a), Ms. Knott may expedite payment by filing an election to accept judgment.

IT IS SO ORDERED.

Christian J. Moran
Special Master